

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

SEAN BARNETT,

Plaintiff,

V.

**UNIVERSITY OF TEXAS HEALTH
SCIENCE CENTER AT SAN ANTONIO,
SHWETA BANSAL, and STEPHANIE
LEVINE,**

Defendants.

CIVIL ACTION NO. SA-22-CA-818-FB

**ORDER ACCEPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Before the Court is the Report and Recommendation of United States Magistrate Judge (docket no. 22) concerning Defendants Dr. Shweta Bansal and Dr. Stephanie Levine's Motion to Dismiss Plaintiff's First Amended Complaint (docket no. 12). In his Original Complaint, Plaintiff asserted claims via 42 U.S.C. § 1983 for retaliation in violation of the First Amendment and for defamation under state law. Plaintiff later amended his complaint to drop the claims against the University of Texas Health Science Center at San Antonio. (Docket no. 10.) By way of the Report and Recommendation, the Magistrate Judge recommends Plaintiff's remaining claims against Defendants Bansal and Levine be dismissed because they are barred by qualified immunity, official immunity, and/or the statute of limitations; and because they fail to state a claim upon which relief can be granted as a matter of law. To date, no objections to the Report and Recommendation have been received.¹

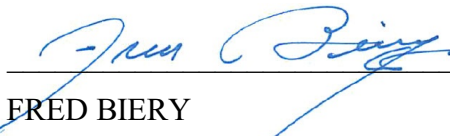
¹ Any party who desires to object to a Magistrate's findings and recommendations must serve and file his, her or its written objections within fourteen days after being served with a copy of the findings and recommendation. 28 U.S.C. § 635(b)(1). If service upon a party is made by mailing a copy to the party's last known address, "service is complete upon mailing." FED. R. CIV. P. 5(b)(2)(C). If service is by electronic means, "service is complete upon transmission." *Id.* at (E).

Because no party has objected to the Magistrate Judge's Report and Recommendation, the Court need not conduct a de novo review. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). The Court has reviewed the Report and Recommendation and finds its reasoning to be neither clearly erroneous nor contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989).

IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge (docket no. 22) is ACCEPTED pursuant to 28 U.S.C. § 636(b)(1) such that the Motion to Dismiss (docket no. 12) is GRANTED. Accordingly, each of the claims against each of the remaining defendants are DISMISSED WITHOUT PREJUDICE.

It is so ORDERED.

SIGNED this 23rd day of May, 2023.



FRED BIERY
UNITED STATES DISTRICT JUDGE